

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:17-cv-00341-MR-WCM**

**UNITED STATES OF AMERICA
and STATE OF NORTH
CAROLINA *ex rel.* Darryl
Landis, M.D.,**

Plaintiffs,

vs.

**GENOVA DIAGNOSTICS, INC.;
GNVA HOLDINGS, INC.; GNVA
EQUITY HOLDCO, INC.;
LEVINE LEICHTMAN CAPITAL
PARTNERS V, L.P.; LAUREN
LEICHTMAN; AARON
PERLMUTTER; CHRIS SMITH;
and JOHN DOES 1-10,**

Defendants.

ORDER

THIS MATTER is before the Court on the Government's Notice of Election to Intervene in Part to Effectuate Settlement Agreement and Request to Unseal Certain Case Documents [Doc. 36] and the State of North Carolina's Notice of Election to Decline Intervention [Doc. 37].

The United States and Defendant Genova Diagnostics, Inc. ("Genova") have reached a settlement to resolve certain claims brought on behalf of the United States in this action. [See Doc. 36-1:

Settlement Agreement]. In light of this Settlement Agreement, and for the purpose of effectuating and formalizing that resolution pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4), the United States advises the Court of its decision to intervene in this case in part for the purposes of settlement but only as to Genova and only as to the “Covered Conduct,” as that term is defined in Paragraph E of the Settlement Agreement. The United States declines to intervene as to all other defendants and as to all other allegations.

Both the United States and the State of North Carolina further request that the Relator’s Complaint and Amended Complaint, the United States’ Notice of Election to Intervene, the Settlement Agreement attached thereto, the State of North Carolina’s Notice of Election to Decline Intervention, and this Order be unsealed. The United States and the State of North Carolina further request that all other papers on file in this action remain under seal. [Docs. 36, 37].

Pursuant to the terms of the Settlement Agreement, the United States and the Relator intend to file a joint stipulation of dismissal of the case within thirty (30) days of April 20, 2020, the effective date of the Settlement Agreement.

In light of the Notices filed by the United States and the State of North Carolina, the Court hereby enters the following Order.

IT IS, THEREFORE, ORDERED that:

1. The Relator's Complaint [Doc. 2] and Amended Complaint [Doc. 18], the United States' Notice of Intervention and the Settlement Agreement attached thereto [Docs. 36, 36-1], and the State of North Carolina's Notice of Election to Decline Intervention [Doc. 37] shall be unsealed;
2. This Order shall be filed on the public docket;
3. All other papers or Orders already docketed in this matter shall remain under seal; and
4. The seal of this case shall be lifted on all matters occurring in this action after the date of this Order.

IT IS SO ORDERED.

Signed: April 24, 2020



Martin Reidinger
United States District Judge

